

SENATE RESOLUTION 84

By Kelsey

A RESOLUTION to encourage the President of the United States and the Secretary of Health and Human Services to restore certain protections to the concerns of conscience of certain religiously affiliated entities.

WHEREAS, under federal law since 1973, individuals have not been required to participate in a health service program or a research activity funded in some part by the United States Department of Health and Human Services if such participation is contrary to the individual's religious beliefs or convictions; and

WHEREAS, with enactment of the Patient Protection and Affordable Care Act, Congress required the Secretary of Health and Human Services to develop an essential health benefits package that involves certain preventative services; and

WHEREAS, in August 2011, the Department of Health and Human Services issued amendments to an interim final rule concerning a religious accommodation with respect to contraception in group health plans and health insurance coverage for groups and individuals by August 1, 2012; and

WHEREAS, in January 2012, Secretary of Health and Human Services Sebellius reaffirmed the limited nature of the religious exemption in the interim rule but did permit another year to religious nonprofits before the new rule would apply to them; and

WHEREAS, under the proposed rule religiously affiliated employers and health plans would be required to cover contraceptives to employees and students at no cost to the enrollee in a manner that offends the religious sensibilities of the employers and plans with respect to the morality of contraception and abortion; and

WHEREAS, this religious accommodation represents a retreat from the accommodation for conscience of religiously affiliated nonprofit organizations as well as religious organizations

which had been recognized by the Department of Health and Human Services in its health programs and research and by the federal employees health benefit plans; and

WHEREAS, this narrowing of the exemption for religious conscience will affect the health plans offered by religiously affiliated health care providers, educational institutions and nonprofits in a manner that will offend their religious convictions; and

WHEREAS, this rule, unless it is changed, will impose significant costs on Tennessee and other states if religiously affiliated hospitals, schools, universities and agencies which provide social services to the poor are no longer able to provide their services to the communities which they serve and Tennessee and other states are required to step in and offer those services; and

WHEREAS, the Secretariat for Pro-Life Activities for the United States Conference of Catholic Bishops and a number of other affected and interested groups have issued statements opposing the interim rule and urging a stronger protection of the consciences of religious employers and health plans; and

WHEREAS, in the federal Congress, legislation has been introduced as the "Respect for Rights of Conscience Act of 2011" in order to undo these proposed rules and to protect religious consciences; and

WHEREAS, it is appropriate that this body act to encourage the Secretary of Health and Human Services to reverse this policy which will violate the consciences of so many Americans; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that this body does strongly urge the President of the United States and the Secretary of Health and Human Services to reverse this policy, which will violate the consciences of so many Americans and to restore needed protections to the concerns of conscience of certain religiously affiliated agencies.

BE IT FURTHER RESOLVED, that an appropriate copy of this resolution be prepared and transmitted to the President of the United States, the Secretary of Health and Human Services, and each member of the Tennessee's congressional delegation.